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GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C.**PATENT, TRADEMARK AND COPYRIGHT PRACTICE****101 N. MAIN STREET****SUITE 800****ANN ARBOR, MICHIGAN 48104-1476****(734) 913-9300****FACSIMILE (734) 913-6007****jposa@patlaw.com****dwathen@patlaw.com****mbuncroft@patlaw.com****jstaple@patlaw.com****FACSIMILE TRANSMISSION****DATE: August 12, 2005****TO: EXAMINER JOSEPH CHANG****FACSIMILE NO.: 571-273-8300****FROM: John G. Posa****PAGES TRANSMITTED (INCLUDING COVER SHEET): 5****ORIGINAL DOCUMENTS WILL _____ / WILL NOT X FOLLOW BY MAIL****RE: SN 10/649,218****MESSAGE:****RECEIVED
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AUG 12 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kim

Serial No.: 10/649,218

Group No.: 2817

Filed: August 26, 2003

Examiner: J. Chang

For: DATA DEMODULATION USING AN ASYNCHRONOUS CLOCK

RESPONSE TO OFFICE ACTIONCommissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed February 14, 2005, the Examiner's attention is directed to the following remarks.

The claims of this application are being resubmitted in unamended form on the grounds that it is believed the Examiner has misinterpreted the cited references.

Claim 1 was rejected under 35 U.S.C. §102(b) over Wagner ('785). The Examiner contends that Wagner discloses the step of measuring a temporal aspect of the asynchronous clock, citing column 1, lines 65-67, and locking onto the data stream in accordance with those measured periods, citing column 1, line 46. Applicant respectfully disagrees. Referring to the first passage in Wagner, this simply states that the invention provides an information storage device that employs a pair of asynchronous clocking systems, one for controlling the transmitted data and the other for controlling a recorder. Nowhere, can Applicant find in Wagner, the teaching of measuring a temporal aspect of the clock and locking onto the data stream in accordance with a measured period. Column 1, line 46 simply states that by means of an index signal, which is synchronized with the input data ..., which does not refer to an asynchronous clock. Rather, according to the Wagner disclosure, an index signal is synchronized with the data input which is derived from a rotating light source. Given that Wagner does not teach or suggest the measurement of a temporal aspect of an asynchronous clock, nor does Wagner teach or suggest the use of such a measurement to lock onto a data stream, anticipation is precluded.

Claims 1-3 stand rejected under 35 U.S.C. §102(b) over Barnes ('412). Again, the Examiner